

**Triennial Review of R. 61-68 *Water Classifications and Standards***  
**Overview of Stakeholder Comments Received on the**  
**January 26, 2007 Notice of Drafting**  
**March 15, 2007**

A total of 14 written comments were received. Many comments recommended that the Department address the items in the Notice of Drafting. A brief summary of the comments is provided below.

**1. Revisiting the Arsenic Criteria for consumption of water and water and organism.**

Commenters included: Santee Cooper, Duke Energy, SC Chamber of Commerce and SCANA.

Many comments were received recommending that the Department address this issue. Some comments included technical information explaining why South Carolina should revise the arsenic standard for Human Health, but maintain the MCL of 10 ug/l.

**2. Review and where appropriate adopt the revised Federal Water Quality Criteria to reflect the most current final published criteria put out by the EPA.**

Commenters included: Savannah River Site, SC Chamber and SC Water Quality Association

Several comments were received recommending that the Department address this issue. However the Department was asked review the scientific bases for the proposed criteria before adopting them “at face value”.

**3. Site Specific DO Standard for portions of the Savannah River/Harbor.**

Commenters: SC Water Quality Association, SC Manufactures Alliance

Comments were received recommending that the Department address this issue. The Department is asked to” proactively seek to address impaired waters ahead of TMDL development “and cautioned that a “new dissolved oxygen standards will directly impact loading on the Savannah River”.

**4. Review, and if appropriate, revise the assessment of the bacteriological indicator for Protection of Recreational Uses**

Commenter: SC Water Quality Association,

One comment was received recommending that the Department address this issue. The commenter asks that the Department move away from using a single sample value to assess whether recreational waters are meeting recreational standards.

**Additional Stakeholder Comments received on the  
January 26, 2007 Notice of Drafting:**

**Catawba River TMDL Coalition:**

Asks the Department to revisit the numeric criteria for lakes that were adopted in 2001 and revise in a manner that reflects localized conditions and protects designated uses.

Asks that the Department defer developing numeric nutrient criteria for other types of waterbodies until it has established scientifically defensible methods and data protective of specific designated uses. Two technical documents were included with their response.

**SC Water Quality Association:**

Asks the Department to revise the provision calling for five consecutive fecal coliform samples in a 30-day period to a minimum of five samples during a 30-day period.

Asks the Department to clarify the Enterococcus standard so that only the geometric mean will be used for NPDES permitting and water quality assessment purposes while the geometric mean and upper percentile values will be used for beach management decisions.

Asks that section E.14(c)(8) be modified to say, “no more than ten percent of the monthly samples can exceed 43 mpn.” Currently 43 mpn is a daily maximum number for calculation permit effluent limitations.

Asks that the Department clarify the flexibility to use flow-based and other permitting strategies that better reflect actual discharge conditions rather than assumed worst-case scenarios. Recommends use of lowest average daily flow in receiving stream for saltwater dischargers and/or actual flow in receiving stream for stormwater discharges.

Asks that the Department establish a “safe harbor” for expansions of public facilities that have (1) gone through Council of Government review and approval and (2) would not increase pollutants by more than 25 percent of the remaining assimilative capacity of the stream in question.

Ask that the Department clarify that the 0.1 rule only applies when a stream actually experiences low DO.

Asks that some reasonable limitation should be put on ambient biological testing required from regulated entities.

Asks that the rule that unclassified waters take on classification of down stream waters be modified such that discharges to unclassified waters should not interfere with downstream designated uses and criteria.

Recommends that Section E. 14 be revised to be consistent with language in E.14(5) concerning EPA criteria.

Asks the Department to consider additional water classifications such as “swamp water” and “urban streams”.

Recommends a change to the language concerning alternative WET testing species or methodology .

Recommends that the ONRW section that specified that no new or increased sources of pollution are allowed be refined to require no measurable change in water quality.

### **Duke Energy**

Comments that the Source Water Assessment and Protection Program has not been promulgated in compliance with the APA, and therefore should not be used to impose NPDES permit limits/conditions.

Asks for clarification that a NPDES permit applicant can perform a mixing study as a means of establishing an NPDES limit(s) for discharges to lakes.

Comments that non-contact cooling water should not be subject to the water quality standards for toxic pollutants (with the exception of biocides and temperature).

### **Summerville CPW - Mr. Charles Cuzzel**

Requests a new Classification and Standard be developed for the upper Ashley River. Comments that the standards do not include an appropriate category for coastal rivers that are heavily influence by freshwater swamps. Suggests as an initial step that the upper portion of the Ashley be reclassified from SA to SB.

### **Progress Energy**

Asks that the water quality numeric criteria for the protection of aquatic life for copper be modified using the biotic ligand model (BLM) as recommended in the 2007 copper criteria revision.

### **Western Carolina Regional Sewer Authority**

Submitted copper data to be considered for removing a portion of the Reedy River from the 303(d) list of impaired waters. Data was forwarded to the 303(d) coordinator for consideration.

### **The Beaufort Group – Mr. Bob Gross**

States that it seems that reclaimed water, which has a very high treatment standard should be allowed to be discharged into ORW waters. Alternatively, the discharge of stormwater from any developed area should be banned to ORW waters.

## **Savannah River Site**

Requests that the definition of ephemeral stream be refined to enable better identification through the use of biological indicators. Suggests the Department use scientifically defensible biological data for the development of the indicators.

Requests that the Department develop scientifically based designated uses and water quality standards for ephemeral streams and include them with R. 61-68. Until the uses and standards are included in the regulation, they ask that discharges into ephemeral stream include only monitor and report requirements for all but conventional pollutants.

Asks that the standards for iron and manganese be removed from R. 61-68. States that both constituents are naturally occurring, often at concentrations above the standard.

Asks the Department to remove the nitrate human health value of 10 mg/l from the water and organism consumption column of the standards and return it to the MCL column.

Asks that language be changed/added such that site specific water quality standards that are developed for perennial streams automatically be applied to all ephemeral and intermittent streams that are tributary to them until such time as SCDHEC develops water quality standards for ephemeral and intermittent streams.

Consider the information available for updating the copper criteria utilizing the Biotic Ligand Model as opposed to the hardness-dependent criteria.

## **SC Department of Natural Resources**

Recommends some grammatical changes concerning the use of “which” and “that”.

Recommends clarification of the dissolved oxygen standard as it applies to lakes and reservoirs. Recommends that the definitions of “surface” water in lakes and reservoirs include the entire surface layer of water (epilimnion).

Recommends several surface waters be changed from the FW classification to the ORW classification due to the presence of high quality habitat and/or diverse aquatic fauna.

Also recommends that Back Swamp and OBED Creek be added to the Water Classifications with the proposed classification of ORW.

## **SC Chamber of Commerce**

Requests that the definition of ephemeral stream be refined to enable better identification through the use of biological indicators. Suggests the Department use scientifically defensible biological data for the development of the indicators.

Requests that the Department develop scientifically-based designated uses and water quality standards for ephemeral streams and include them with R. 61-68. Until the uses

and standards are included in the regulation, they ask that discharges into ephemeral stream include only monitor and report requirements for all but conventional pollutants.

Consider the information available for updating the copper criteria utilizing the Biotic Ligand Model as opposed to the hardness-dependent criteria.

## **SCANA**

Provided information on the areas of the regulation that relate to source water protection and implementation. Requests that source water protection reference in Section E.14.c(5) of the regulation be deleted unless and until a comprehensive regulation for source water protection, developed in a manner consistent with the SC Administrative Procedures Act, is written.

States that the language in Section D.2.b was “mistakenly” changed in 2001 from “economically and technologically reasonable” to “economically or technologically reasonable. Request that the language be changed back to its original intent.

Makes recommendations to language in R 61-9 (Water Pollution Control Permits) that should be included in R.61-68 concerning instream dilution.

## **SC Manufacturers Alliance:**

Requests that the definition of ephemeral stream be refined to enable better identification through the use of biological indicators. Suggests the Department use scientifically defensible biological data for the development of the indicators.

Requests that the Department develop scientifically based designated uses and water quality standards for ephemeral streams and include them with R. 61-68. Until the uses and standards are included in the regulation, they ask that discharges into ephemeral stream include only monitor and report requirements for all but conventional pollutants.

States that source water protection standard provisions are being revised by the Department and that SCMA would like to see a reasonable definition of source water protection area.

Asks the Department to reconsider the working of Section E.14.c(5) and how it determines reasonable potential to impact a drinking source.

## **NOAA – Mr. Prescott Brownell**

Provides technical information on the work of the NOAA Fisheries Service on the restoration of diadromous fishery resources in South Carolina. States that an issue to be addressed is dissolved oxygen for sensitive life stages of diadromous fishes, especially shortnosed sturgeon. States that dissolved oxygen levels for survival, protection and recovery of shortnose sturgeon should be kept at or above 5 mg/l in any waters potentially harboring this species, and that many river reaches at and above estuarine waters fall below 4 mg/l.